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SENSITIVE
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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR
SECDEF FOR OSD/GSA/CN, CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (BROWN, DENYER AND CRISTOFARO)
NSC FOR LUTES
WINPAC FOR WALTER

E.O. 12958: N/A
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SUBJECT: CWC: MEETINGS ON THE MARGINS OF THE OPCW
EXECUTIVE COUNCIL SESSION, JULY 14-17, 2009 (EC-57)

REF: A. THE HAGUE 437
 1B. THE HAGUE 436
 1C. THE HAGUE 452
 1D. THE HAGUE 422

(U) This is CWC-46-09

SUMMARY

11. (SBU) During the Executive Council, July 14-17, the U.S. delegation met bilaterally with the Chinese, Libyan, Japanese and French delegations to discuss a variety of issues. The Indian delegation convened a meeting of interested delegations to present its views on industry issues, and U.S. Commerce Rep Cristofaro gave a presentation to members of the Technical Secretariat (TS) on plant site delineation that was well received. Delreps also met with the TS Director for Special Projects, the outgoing facilitator for the Open Ended Working Group (OEWG) on Terrorism, and the Algerian delegation to discuss future activities related to terrorism and chemical security.

12. (SBU) On July 20, the Western European and Others Group (WEOG) met for the final time before the summer break to discuss the results of the EC. The next WEOG meeting will be in mid-September.

BILATERAL WITH THE CHINESE DELEGATION

13. (U) At the request of the Chinese delegation, a bilateral meeting was held on July 13 to discuss issues of mutual concern. The Chinese delegation was led by Xiaoning Wang, Counselor, Arms Control and Disarmament Department, Ministry of Foreign Affairs, Beijing (former Senior Policy Officer in the TS 1996-2003). ISN/CB Director Robert Mikulak led the U.S. delegation.

14. (SBU) Wang expressed concern about the U.S.

chemical weapons (CW) destruction schedule that projects activity beyond the 2012 extension deadline. He feared a precedent lessening pressure for Japan to destroy its abandoned CW in China by 2012. Mikulak said that the United States understands the Chinese concern, but that China should recognize that 90% of the U.S. stockpile will be destroyed by 2012, that the U.S. is committed to trying to accelerate its destruction program, and that the U.S. will continue to be transparent about its efforts and progress. Wang thanked the United States for demonstrating its "good will" in relation to the issue.

¶5. (SBU) Wang noted that China had not yet decided which candidate to back for Director-General and looked forward to the presentations by all the candidates later in the week. Mikulak agreed and said the U.S. also had not yet made a choice. Both agreed to continue consultations as the selection process progresses.

¶6. (SBU) The Chinese delegation turned to the TS proposal for improving Other Chemical Production Facilities (OCPF) site selection methodology by adding to the A-14 algorithm for information available to the TS an R factor based on plant site characteristics. (Del note: This data would involve declaration of information not specified by the Convention.) While China wants the OCPF selection methodology to be improved, it does not want to see its declaration burden increased. Mikulak said

that the United States was also interested in improved OCPF selection methodology, but was skeptical about the added value of the R factor. The United States would want to see evidence that the R factor would provide substantial improvement before it could consider supporting R factor introduction.

¶7. (SBU) Wang said that China was not happy with the way the TS was selecting OCPFs for inspection. (Del note: The TS introduced in 2008 a geographic distribution selection methodology wherein the probability of an OCPF plant site being selected for inspection is based on a quadratic relationship to the number of inspectable OCPF plant sites declared by a State Party. China has declared over 50% of OCPF plant sites declared to the TS. End note.) Wang said that China had received 19 of the annual maximum of 20 combined Schedule 3 and OCPF inspections during 2008. These inspections were not distributed throughout China, but were concentrated in a few provinces creating political issues, he said. Mikulak acknowledged that the new selection methodology would be expected to result in increases in numbers of OCPF inspections in those States Parties with the greatest number of OCPFs, e.g., the United States and China.

¶8. (SBU) The U.S. delegation recalled the recent Chinese/Japanese visit to U.S destruction facilities where they observed the U.S emphasis on safe operational procedures and offered to help develop safe operating procedures for ACW destruction in China. Wang said China wanted to follow up on the offer.

¶9. (SBU) Mikulak concluded by recalling the Chinese invitation for consultations on implementation and compliance issues in Beijing. He said that the issue was being worked in Washington and that a positive response would be forthcoming soon.

LIBYA

¶10. (U) At the request of the U.S. delegation, a bilateral meeting was held on July 17. Mohadeb Gheton represented the Libyan delegation. Delreps Weekman and Smith represented the U.S.

¶11. (SBU) Gheton explained that his government is preparing a national paper, which will likely include information on the sandbag wall, and may include a request to extend their destruction deadline. He was not certain if the issues would be covered in one national paper or two separate documents. He indicated that the TS visited Libya earlier in July and is working with the Libyan delegation to complete the paper. Gheton said the national paper would be the main topic of discussion for an upcoming visit to The Hague within the next few weeks. Gheton agreed to coordinate with the U.S. Del during the visit and to share the document(s) as they are drafted.

INDIA ON INDUSTRY

¶12. (SBU) Following the EC session on July 16, the Indian delegation hosted an open briefing on four different industry-related issues: sequential inspections, enhancement of declarations for other chemical production facilities (OCPFs), the OPCW Analytical Database (OCAD) and the Technical Secretariat's recent paper on Schedule 3

inspections. As a light filler, they also made a brief presentation on the methodology that they had developed to compare the seven candidates, though they refrained from putting names into the presented results. (Del Note: All presentations were sent by email to ISN/CB, VCI/CCA and Commerce. End Note.)

¶13. (SBU) Although India's motivation for convening the meeting was not clear, it was part of a marked new focus on industry issues, which also featured prominently in India's national statement during the General Debate. While the Indian delegation had billed the meeting as a chance to discuss issues, they clearly were only interested in presenting their views) most of which they had shared previously) without engaging in any real dialogue. Even so, many delegations appreciated the gesture and suggested holding similar open sessions during future Industry Cluster meetings or on the margins of future EC sessions to encourage free discussion of views and to facilitate resolution of outstanding industry issues.

U.S. PRESENTATION ON PLANT SITE DELINEATION

¶14. (U) On July 13, Commerce Rep Cristofaro gave a presentation to ten TS staff members from the Industry Verification (IVB) and Policy Review (PRB) branches) including IVB Head Bill Kane and PRB Head Stian Holen) on U.S. views and methodology regarding industrial plant site delineation. Following the comprehensive presentation, Kane and others noted that the U.S. approach is much more complex than that of most member states; while there were many questions for Cristofaro, TS attendees appreciated the thorough explanation of the U.S. approach. Delrep later heard from TS staff that they plan to invite other member states with different delineation approaches also to make similar presentation and even are considering hosting a roundtable discussion on the topic in the future. (Del Note: The TS has since agreed to

invite Cristofaro or another Commerce rep to present the briefing to Inspection Team Leaders on the margins of the next Industry Cluster meetings, currently scheduled for September 8. End Note.)

JAPAN ON NORTH KOREA SANCTIONS

¶15. (SBU) Delrep Gibbs met with the Japanese delegation to briefly discuss the question the Japanese had raised on the potential seizure of North Korean chemical weapons under recent UN Security Council Resolution 1874 and the obligations of CWC States Parties (Ref D). Gibbs pointed out that paragraph 14 of the UNSCR authorized States to "seize and dispose of" certain weapons including but not limited to chemical weapons "in a manner that is not inconsistent with their obligations" under the CWC. In the event of seizure, this would raise the same issues present in the case of the Iraqi CW recoveries. After a short survey of the questions that would result from a seizure, Director-General Masanori Nishi expressed his thanks that the discussion had taken place as he had not considered such complications. Oplace as he had not considered such complications. He asked if the US was drafting a paper on the subject or would raise it in the next EC. Gibbs pointed out that the issue had been addressed in the just-concluded EC Report under Any Other Business and that, at this early stage, nothing more formal than consultations was appropriate.

BILATERAL WITH THE FRENCH DELEGATION

¶16. (U) The U.S. and French delegations held a bilateral meeting on July 16. Robert Mikulak led the U.S. delegation. Jacques Raharinaivo led the French delegation and introduced the new French delegate, Raja Rabia.

¶17. (SBU) Raharinaivo expressed concern that both the UK and Germany have nominated candidates for Director-General and noted a lack of discussion between the two governments. He said that there had not been any substantive EU discussions on support of a particular candidate. Raharinaivo expressed a preference for the German candidate. Mikulak agreed that the UK and German governments needed to talk, and that by late August, serious discussions would need to start to learn preferences for candidates. He also raised the other senior positions including the Director of the Inspectorate that would also need strong candidates in the months ahead.

¶18. (SBU) Mikulak and Raharinaivo commented on South Africa's reaction to the EC visit to the U.S., noting that their inclusion on the visit allowed for far more understanding and awareness of the complexity of the destruction task. Mikulak noted that there would need to be both strategic and specific discussion of issues, and welcomed the Brazilian national statement that looked to the EC Chair to lead future discussion on the deadline issue.

¶19. (SBU) Raharinaivo raised the issue of OPCW agreements with designated National Laboratories and said the French government could not support the OPCW's provision that National Laboratories would share data directly with the OPCW without disclosing it to the national government. He

indicated that this position was shared by other European delegations (Swiss). One of the French laboratories is a military facility and the military personnel are under strict orders to keep their leadership informed of their daily activities; this is in direct conflict with the OPCW approach. Mikulak noted that his office had not been involved in the OPCW's negotiations with U.S. laboratories but would look into the matter. He agreed to support French reservations during the EC debate on the issue (Ref C).

COUNTER-TERRORISM DISCUSSIONS

¶20. (U) Following the bilateral meeting with the French delegation on July 16, Delreps Weekman and Smith met with Annie-Claire Mari in her capacity as former facilitator of the Open Ended Working Group (OEWG) on Terrorism to discuss her projections of the role of this group. Mari expressed enthusiasm at the attention to the topic of terrorism during this EC session and noted that her national paper was well received thus far. She stated a desire that this might serve as a launching pad for the OEWG to continue its activities under the new facilitator, Mike Byers (Australia). Delrep inquired whether EU funding might be available to support a conference planned in Algeria on chemical security. Mari said there is a line item in the Qsecurity. Mari said there is a line item in the budget for a seminar and that the budget will likely be validated by the end of July. She

believed the allocation was for approximately 70,000 Euros.

¶21. (SBU) Delrep Weekman met with Krysztof Paturej, Director of the OPCW Office of Special Projects, on July 16 to discuss future activities. Paturej asserted that all terrorism and security/safety related conferences should be coordinated through his office. He shared a letter from Saudi Arabia committing to fund approximately 15,000 Euros to support chemical safety and security projects. He opined that the OEWG on Terrorism should use the French paper as a framework and alluded to playing a role in drafting the paper. He encouraged stronger support from the U.S. on OPCW's efforts in this area and outlined plans for a nonproliferation seminar that he would like to organize in 2010 which would include invitations to Senator Lugar and President Bush, Sr. to open the ceremony.

¶22. (SBU) At the request of Ambassador Benchaa Dani (Algeria), a bilateral meeting was held on July 16. Delreps Smith and Weekman represented the U.S., while Said Moussi joined his Ambassador for Algeria. Dani delivered Algiers reaction to the draft agenda for the proposed international conference in Algiers on chemical terrorism that would focus on chemical safety and security. Dani reported that Algiers supports the draft agenda and that the African Center for the Study and Research Against Terrorism will host the conference. Dani reported that Algiers would like to host the conference in the fall of 2009. Delrep suggested that the first quarter of 2010 might be better to permit more time to plan the conference. Both delegations agreed that the next step should be a formal cable from the U.S. officially proposing the agenda and that Algiers host the conference in early 2010. Dani agreed to check with the Swedish government (current EU President) and the Spanish (incoming EU President) on the potential for EU funding.

¶23. (SBU) Delrep later briefed Director of Special Projects Paturej and the new facilitator for the Open Ended Working Group on Terrorism on the conversation with Dani.

WEOG VIEWS OF THE EC

¶24. (SBU) On July 21, Ruth Surkau (Germany) chaired the final meeting of the Western European and Others Group (WEOG) before the summer break. Delegations generally shared her views that the Executive Council session had gone smoothly under a strong new chair, the DG candidates' presentations had gone well, GRULAC had played a helpful role, and that a large workload awaits delegations in September. The Dutch Ambassador quoted Secretary Khodakov as saying that the DG candidate presentations had set a precedent. Delegations shared positive reviews of the process, but few views on specific candidates, not surprising as WEOG has five of the seven. However, the Netherlands delegation opined that the performance of the Indonesian candidate was "disappointing." The UK delegation was pleased with the outcome on the Portreath facility and the TS guidelines on converted production facilities after ten years. Both the UK and Germany expressed concern over the tendency to add language into the final EC report that had not been discussed during the session and cautioned that this should be observed closely in the future.

¶25. (SBU) Several delegations commented that the discussion on the U.S. projections for completion of CW destruction would remain an active discussion topic for the EC and likely move into the forefront following the DG selection. Regarding the issue of U.S. and UK destruction of RCW in Iraq, Delrep noted that the language adopted under Any Other Business had been read by Russia as looking back into the historical record in Iraq, rather than forward for future similar situations. Delrep also thanked the German delegation for proposing language for future items such as the U.S. technical changes to facility agreements that do not require Council action, language that should be a useful new precedent.

¶26. (U) BEIK SENDS.
GALLAGHER